

Message

From: Croxton, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CA7B9940863640D5B96F4295EA3C9641-CROXTON, DAVE]
Sent: 11/9/2018 9:31:41 PM
To: Opalski, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b5ed6410d934bf699a008a252791a55-Opalski, Dan]
Subject: RE: Please review

Looks good. Comments embedded below.

-----Original Message-----

From: Opalski, Dan
Sent: Thursday, November 8, 2018 5:20 PM
To: Croxton, David <Croxton.David@epa.gov>
Subject: Please review

Dave - Please review and give me feedback. My intent is to have a summary such as this for Chris to use in talking with Dave Ross. Thx.

Ocean Acidification off of Oregon Coast

— this is a case where Oregon has a narrative (biocriteria-aquatic life) rather than a numeric standard — the state has not established a method for assessing impairment relative to the narrative standard — water chemistry data plus aquatic organism data just outside of Oregon waters provide a strong case that acidified conditions exist just outside of Oregon waters — within Oregon waters, there are similar water chemistry data that have been shown to be consistent with acidification impacts on aquatic organisms; however, aquatic organism data are not available from within Oregon waters — reports/studies making the case that there is enough information to support an impairment listing in Oregon marine waters were submitted to EPA in response to solicitation for data/information from the public — in our response to comments on the ~~OA~~ impairment question, we would rely heavily on the lack of relevant aquatic organism data collected within Oregon waters — we can expect the potential plaintiff to double down on previous public comments and to attempt to make the case that there are other instances (non-OA) where EPA has interpreted similarly situated information as sufficient to support a decision to list (I'm not aware, though they may exist, of other situations where EPA has relied on geographic extrapolation to make a Listing. EPA did say in our assessment guidance that it is appropriate to do so)

Sent from my iPhone